



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

December 20, 2005

Dear Colleague:

Recent "School Safety" legislation (2005 PA 129-131 and 138) enacted into law will have an impact on the employment of all public and nonpublic school regular and contract employees. Cited below are the key provisions of the new law and how it will affect your school personnel.

All school staff employed by the school or district prior to January 1, 2006 and afterwards, are required to have a criminal history record check conducted by the Michigan State Police (MSP) and the Federal Bureau of Investigation (FBI) not later than July 2008. This means having their fingerprints scanned electronically and submitted to the MSP. It will be necessary for school personnel to provide their fingerprints after January 1, 2006, even though they may have been previously fingerprinted for employment. In accordance with the legislation, MSP's new electronic hand-scan system will be fully functional as of January 1, 2006, and prints received on or after that date will be archived and stored electronically.

The Michigan Department of Education (MDE) will provide a list of all the approved MSP sites where fingerprints may be taken. The listing will be posted by January 1, 2006, on the following website: www.michigan.gov/teachercert.

Once the criminal history check has been conducted by the MSP, a report will be sent to the Michigan Department of Education identifying all school/school district employees with a recorded criminal conviction. The Department will, in turn, provide the names of individuals convicted of a crime to the school/school district superintendent and governing board of the employing school/school district. The report will include convictions for any crime, misdemeanor or felony. If an employee has been convicted of a felony other than a listed offense (Attachments 1 and 2), the district superintendent and the governing board are required, by law, to agree in writing to continue the employee's employment with the district/school. If an employee has been convicted of an offense that requires registering on the sex offenders registry, the employee's employment will be terminated and employment (in any capacity) in a Michigan K-12 School, public or non-public will be prohibited.

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The MDE will be providing to you and your school board president in January, 2006, a list of school employees with criminal convictions who were reported in the June 2005 REP. These reports will be updated annually.

The new law also requires school employees to self-report to the employing district and the MDE when they have been arraigned/charged with certain identified crimes. This must be done within three business days or the employee will be guilty of an additional crime.

I am enclosing a copy of a letter that I am suggesting you prepare for your employees to notify them of the new "School Safety" legislation along with a copy of the conviction form (Attachment 3), and the arraignment form (Attachment 4). I would also like to suggest that you begin the fingerprinting process with veteran teachers who were never required to do so prior to the new legislation, continue with those who have not been fingerprinted in the past 10 years, and then progress to those who were more recently fingerprinted.

If you have any questions regarding this correspondence, please contact Dr. Flora L. Jenkins, Director, Office of Professional Preparation Services at (517) 373-6505 or e-mail jenkinsf@michigan.gov, or Dr. Frank Ciloski at (517) 373-6791 or e-mail ciloskif@michigan.gov. If you have questions regarding fingerprinting and/or Professional Standards and Practices, please contact Mrs. Stephanie Whiteside at (517) 335-1167 or whitesides@michigan.gov.

Thank you for helping to provide a safe learning environment for Michigan's students.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremy Hughes". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jeremy M. Hughes, Ph.D.
Deputy Superintendent/Chief Academic Officer

FLJ:dsr

DRAFT/SAMPLE LETTER

RE: School Employee Fingerprinting
date

Dear School Employee:

Recent "School Safety" legislation (2005 PA 129-131 and 138) enacted into law will have an impact on your employment with the school/district. Cited below are the key provisions of the new law and how it will affect you personally.

All school staff employed, by the school or district, prior to January 1, 2006, and afterwards, are required to have a criminal history record check conducted by the Michigan State Police (MSP) and the Federal Bureau of Investigation (FBI) not later than July 1, 2008. This means having your fingerprints scanned electronically and submitted to the MSP. It will be necessary for you to provide your fingerprints after January 1, 2006, even though you may have been previously fingerprinted for employment. In accordance with the legislation, the MSP's new electronic hand-scan system will be fully functional as of January 1, 2006, and prints received on or after that date will be archived and stored electronically.

The Michigan Department of Education will provide a list of all the approved MSP sites where fingerprints may be taken. The listing will be posted in early January 2006. The listing can be found at the following address, www.michigan.gov/teachercert. The goal is to minimize any inconvenience to the individual.

Once the criminal history check has been conducted by the MSP, a report will be sent to the Michigan Department of Education identifying all school employees with a recorded criminal conviction. The Department will in turn provide the names of individuals convicted of a crime to the district superintendent and school board of the employing district. The report will include convictions for any crime, misdemeanor or felony. If you have been convicted of a non-listed felony, the district superintendent and the school board are required, by law, to agree in writing to continue your employment with the district/school. If you have been convicted of an offense that requires you to register your name on the sex offender registry, your employment will be terminated and you will not be allowed employment (in any capacity) in a Michigan K-12 School, public or non-public.

The new law also requires you, as an employee of the district/school to self-report to your employer and the Michigan Department of Education when you have been arraigned/charged with certain identified crimes. You must do so within three business days of arraignment or you will be guilty of an additional crime. The crimes are listed in MCL 380.1535a.

If you have further questions or concerns, you may wish to view additional information available at the following website: www.michigan.gov/teachercert. Or you can contact Stephanie Whiteside, Coordinating Specialist, Office of Professional Preparation Services, at (517) 335-1167 or email WhitesideS@michigan.gov.

Listed Offenses

Accosting, enticing, or soliciting a child for immoral purposes.

Involvement in child sexually abusive activity or material.

A third or subsequent violation of any combination of engaging in obscene or indecent conduct in public, indecent exposure, or a local ordinance substantially corresponding to either offense.

First, second, third, or fourth degree Criminal Sexual Conduct (CSC).

Assault with intent to commit CSC.

If the victim is less than 18 years of age, the crime of gross indecency (except for a juvenile disposition or adjudication), kidnapping, sodomy, or soliciting another for prostitution

Leading, enticing, or carrying away a child under 14 years of age.

Pandering.

Any other violation of a state law or local ordinance constituting a sexual offense against an individual less than 18 years of age.

An offense committed by a sexually delinquent person.

An attempt or conspiracy to commit one of the offenses listed above.

Enumerated Misdemeanor Convictions Required Disclosure

Felonious assault on a child, child abuse in any degree, or an attempt to commit child abuse in any degree

Cruelty, torture, or indecent exposure involving a child

Delivery of a narcotic to a minor or student or within 1,000 feet of school property (333.7410)

Breaking and entering (750.115)

Knowingly allowing a minor to consume or possess alcohol or a controlled substance at a social gathering (750.141a)

Accosting, enticing, or soliciting a child for an immoral purpose (750.145a)

Larceny from a vacant dwelling (750.359)

Assault; assault and battery (750.81)

Assault; infliction of serious injury (750.81a)

Selling or furnishing alcoholic liquor to a person less than 21 years of age (436.33)

Required Disclosure and Immediate Suspension of Certificate Upon Conviction

Manufacturing/delivering controlled substance (7401(2)(a)(i))

Possession of a controlled substance (7403(2)(a)(i))

Recruiting, inducing, soliciting or coercing minor to commit a felony (333.7416)

Assault with intent to commit murder (750.83)

Assault with intent to rob and steal armed (750.89)

Attempt to murder (750.91)

First degree murder (750.316)

Second degree murder (750.317)

Armed robbery aggravated assault (750.529)

Misdemeanor—Delivery of a narcotic to a minor or student or within 1,000 feet of school property (333.7410)

Conviction Disclosure Form

Name (Please Print)

School/District Name (Please Print)

Position (Please Print)

Pursuant to Public Act 138 of 2005, I represent that (check all that apply):

_____ 1. I have not been convicted of, or pled guilty or nolo contendere (no contest) or is the subject of a finding of guilt by a judge or jury of any crime.

_____ 2. This is my initial disclosure, I have been convicted of, or pled guilty or nolo contendere (no contest) or am the subject of a finding of guilt by a judge or jury for the following crimes (*attach a separate sheet of paper to explain the criminal offense, date, court, city/state, and circumstances surrounding the conviction*):

_____ Felony _____ Misdemeanor

_____ Felony _____ Misdemeanor

_____ Felony _____ Misdemeanor

_____ 3. This serves as disclosure of subsequent convictions for which I have been convicted of, or pled guilty or nolo contendere (no contest) or am the subject of a finding of guilt by a judge or jury for the following crimes (*attach a separate sheet of paper to explain the criminal offense, date, court, city/state, and circumstances surrounding the conviction*), and I understand that failure to disclose any subsequent convictions is considered to be a crime:

_____ Felony _____ Misdemeanor

_____ Felony _____ Misdemeanor

_____ Felony _____ Misdemeanor

In signing this form, I understand and agree that:

4. If I have been convicted of a listed offense, my employment shall be terminated. I also understand that if I have been convicted of a felony, other than a listed offense, the superintendent, or chief administrator and the board or governing body must each approve, in writing, my employment or work assignment.

4. Until the criminal history report is received and reviewed by the employing school/district, I am regarded as a conditional employee and if the criminal history report is not the same as my representation(s) above, my employment contract is voided at the option of the school.

Signature

Date

Arrestment Disclosure Form

(School District or Non-Public School Name)

Name (Please Print)

School Name (Please Print)

School District (Please Print)

Position (Please Print)

Date of Arrestment (Please Print)

Pursuant to Public Act 131 of 2005, I, hereby disclose that I was arrested on the
aforementioned date for the criminal offense of _____
in _____ Court, located in the State of _____
_____, County of _____.

In signing this form, I acknowledge that I understand that failure to disclose this
information is a violation of Public Act 131 and can result in action being taken
relative to my certification and/or employment.

In signing this form, I acknowledge that I understand that should I be convicted of
or pled guilty or nolo contendere (no contest) nor am I the subject of a finding of
guilt by a judge or jury, it is my responsibility to disclose to the court that I am
employed by a school, public or non-public. I also understand that if I am
subsequently not convicted of any crime after the completion of judicial proceedings
resulting from that charge, I must request, in writing, that the Michigan
Department of Education and the employing school/district delete the report from
my records.

Signature

Date

**Send Form to: Dr. Flora L. Jenkins, Director
Office of Professional Preparation Services
P.O. Box 30008
Lansing, Michigan 48909**